

Message Text

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ACTION OIC

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TAGS: OCON, EC

SUBJECT: CONFERENCE TO CONSIDER A DRAFT CONVENTION ON A
UNIFORM LAW ON THE FORM OF INTERNATIONAL WILLS

REF: A. STATE A-3800; B. QUITO 2669

1. EMBASSY HAS RECEIVED NOTE FROM MINISTRY OF FOREIGN
RELATIONS STATING THAT THE GOE CONSIDERS THE ADOPTION OF
AN INTERNATIONAL NORM ON THE MATTER "OF GREAT IMPORTANCE"
AND SUGGESTING SEVERAL TEXTUAL CHANGES IN THE SPANISH
LANGUAGE DRAFT CONVENTION AND UNIFORM LAW. EMBASSY'S
TRANSLATION OF THE PERTINENT PORTIONS OF THE NOTE FOLLOWS
WITH THE SUGGESTED TEXTUAL CHANGES IN SPANISH.

2. QUOTE: IN THE DRAFT CONVENTION, WE WOULD SUGGEST
THAT THE FINAL PART OF PARAGRAPH 1) OF ARTICLE VI SAY:
"ESTARAN EXCENTAS DEL REQUISITO DE LEGALIZACION" IN PLACE
OF THAT STIPULATED.

IN THE SAME DRAFT AN ARTICLE SHOULD BE INSERTED THAT
SAYS: "EN CASO DE OPOSICION ENTRE LAS DISPOSICIONES DE ESTA
CONVENCION Y DE SU ANEXO Y LAS DEL DERECHO INTERNO DE CADA
ESTADO, PREVALECERAN LAS PRIMERAS."

IN THE TEXT OF THE UNIFORM LAW DRAFT, THE FOLLOWING
PHRASE COULD BE ADDED TO THE SECOND PARAGRAPH OF ARTICLE 1
FOR GREATER CERTAINTY: "...SI LA TUVIESE CONFORME A LA
LEY INTERNA DEL ESTADO EN QUE SE LA ALEGUE." AND, AT THE
END OF THE EXISTING ARTICLES, ADD AN ARTICLE CONCEIVED IN
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THESE TERMS: "LA PERSONA AUTORIZADA EFECTUARA LA ENTREGA O

ENVIO DEL TESTAMENTO Y DEL CERTIFICADO A QUIEN CORRESPONDA,
TAN PRONTO COMO SEA REQUERIDA POR EL JUEZ COMPETENTE DEL
LUGAR EN QUE SE ABRA LA SUCESION." END QUOTE.
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